

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TNB USA INC.,

Plaintiff,

v.

FEDERAL RESERVE BANK OF NEW YORK,

Defendant.

No. 18 Civ. 7978 (ALC)

PLAINTIFF'S FIRST INTERROGATORIES

Under Rules 26 and 33 of the Federal Rules of Civil Procedure (“FRCP”) and Local Civil Rule 33.3, Plaintiff TNB USA Inc. (“TNB”) requests that, within thirty days of service, Defendant Federal Reserve Bank of New York (“FRBNY”), subject to all applicable rules, definitions, and instructions, answer the following interrogatories.

Definitions

1. “Action” means the lawsuit captioned above.
2. “Accuity” means Accuity Inc., including but not limited to its officers, directors, employees, partners, subsidiaries, affiliates, counsel, agents, or designees.
3. “Amicus Brief” means Exhibit A to the Declaration of Yvonne F. Mizusawa in Support of Motion for Leave to File a Brief as *Amicus Curiae* (Mar. 25, 2019), ECF No. 23-2, filed in this Action.
4. “ANPR” means the Advance Notice of Proposed Rulemaking captioned Regulation D: Reserve Requirements of Depository Institutions, 84 Fed. Reg. 8829 (proposed Mar. 12, 2019) (to be codified at 12 C.F.R. pt. 240).

5. “Board” means the Board of Governors of the Federal Reserve System, including but not limited to its governors, officers, directors, employees, members, partners, subsidiaries, sub-agencies, affiliates, counsel, agents, or designees.

6. “Communication(s)” has the same meaning as Local Civil Rule 26.3(c)(1).

7. “Concerning” has the same meaning as Local Civil Rule 26.3(c)(7).

8. “CTDoB” means the Connecticut Department of Banking, including but not limited to its officers, directors, employees, members, partners, subsidiaries, sub-agencies, affiliates, counsel, agents, or designees.

9. “Defendant,” “FRBNY,” “you,” and “your” have the same meaning as Local Civil Rule 26.3(c)(5).

10. “Document(s)” has the same meaning as Local Civil Rule 26.3(c)(2).

11. “Identify” with respect to a person has the same meaning as Local Civil Rule 26.3(c)(3).

12. “Identify” with respect to a document has the same meaning as Local Civil Rule 26.3(c)(4).

13. “Master Account” has the same meaning as in your Motion to Dismiss Brief and Reply and the Amicus Brief.

14. “Motion to Dismiss Brief” means the Memorandum of Law in Support of Defendant Federal Reserve Bank of New York’s Motion to Dismiss (Mar. 8, 2019), ECF No. 21, filed in this Action.

15. “Motion to Dismiss Reply” means the Reply in Further Support of Defendant Federal Reserve Bank of New York’s Motion to Dismiss (Apr. 12, 2019), ECF No. 28, filed in this Action.

16. “Person(s)” has the same meaning as Local Civil Rule 26.3(c)(6).
17. “Plaintiff” and “TNB” have the same meaning as Local Civil Rule 26.3(c)(5).
18. The present tense must be construed to include the past tense and vice versa.
19. Use the rules of construction required by Local Civil Rule 26.3(d).

Instructions

1. Answer each interrogatory separately and fully in writing under oath based on the information in your possession, custody, or control.
2. Serve your answers to these interrogatories on the undersigned counsel at Dewey Pegno & Kramarsky LLP, 777 Third Avenue – 37th Floor, New York, New York 10017.
3. If you object to any interrogatory, in whole or in part, because you contend the answer reflects or would reveal the substance of a privileged communication, identify:
 - a. the nature of the privilege claimed;
 - c. the person who made the communication, whether oral or in writing;
 - d. if the communication was oral, all persons present while the communication was made;
 - e. if the communication was written, the author, addressees, and any other recipients;
 - f. the relationship of the author of the communication to each recipient;
 - g. the relationship of all persons present to the person who made the communication;
 - h. the date and place of the communication; and
 - i. the general subject matter of the communication.
4. These interrogatories cover the period from June 1, 2017 to the present.
5. These interrogatories are continuing. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers, you must promptly supplement your answers with that information as required by Rule 26(e) of the FRCP.

Interrogatories

Interrogatory No. 1: Identify all persons, including all persons associated with either FRBNY, the Board, Accuity, or CTDoB, who have, claim to have, or who you believe may have knowledge or information concerning any fact either stated in the pleadings, motions, and other papers filed in this Action or otherwise concerning this Action.

Interrogatory No. 2: Describe in detail the nature and substance of the knowledge that you believe the person(s) identified in response to Interrogatory No. 1 may have.

Interrogatory No. 3: Identify all persons with whom FRBNY has communicated regarding the possibility of TNB's opening a Master Account, including but not limited to internal FRBNY communications and communications with the Board, Accuity, and CTDoB.

Interrogatory No. 4: Identify all persons involved in the purportedly "ongoing" review of TNB's application for a Master Account with FRBNY, as described in the Motion to Dismiss Brief and Reply and the Amicus Brief.

Interrogatory No. 5: Identify all persons whose approval is required for TNB to be granted a Master Account with FRBNY.

Interrogatory No. 6: Identify all persons involved in the preparation, planning, drafting, approval, or publication of the ANPR.

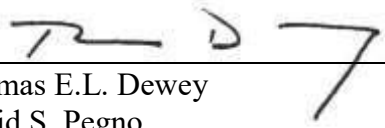
Interrogatory No. 7: Identify all email addresses owned, used, accessed by, or available to the person(s) identified in response to any of these interrogatories.

Interrogatory No. 8: Identify all persons who you believe may have documents concerning the Action or TNB's actual or potential application for a Master Account.

Interrogatory No. 9: Identify all communications between any Governor of the Board and any FRBNY employee concerning TNB.

Dated: New York, New York
May 2, 2019

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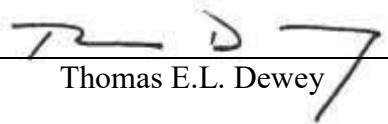
Attorneys for Plaintiff TNB USA Inc.

CERTIFICATE OF SERVICE

I, THOMAS E.L. DEWEY, certify that on May 2, 2019 I served the foregoing by U.S.
and electronic mail on the following:

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*Attorneys for Defendant
Federal Reserve Bank of New York*



Thomas E.L. Dewey